

Remarks

This is in response to the Official Action of November 22, 2004.

The restriction requirement of record having been made final, claims 8-32 are cancelled herein, without prejudice to the filing of a divisional application thereon.

Claim 7 stands rejected as indefinite under the second paragraph of 35 USC 112, it being indicated that a supercritical fluid is not a gas. This claim has been amended to simply recite a separate supercritical fluid (generally comprising a compound that is a gas at standard temperature and pressure, but which compound is in the form of a supercritical fluid in the environment claimed). Accordingly, it is respectfully submitted that this rejection may now be withdrawn.

Claim 7 was indicated as allowable in the Official Action if the indefiniteness rejection above was resolved. This claim has been rewritten in independent form, and formal allowance thereof is respectfully requested.

Newly presented claims 33-37 correspond to present claims 2-6, except that they depend from claim 7, and contain minor alterations to conform to the "separate supercritical fluid" language found in claim 7. These claims are submitted to be allowable for the same reasons as claim 7, and formal allowance thereof is respectfully requested.

Claims 1 and 4 are amended herein to change "*second* compressed gas atmosphere" to "*separate* compressed gas atmosphere" to provide proper antecedent basis for all terms therein.

Claims 1-6 stand rejected as obvious under 35 USC 103(a) over US Patent No. 6,083,565 to Carbonell et al.. For the reasons set forth below, this rejection is respectfully traversed.

In the Official Action, it is stated:

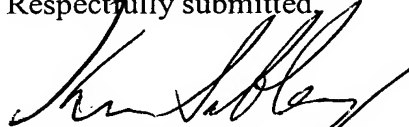
"Carbonell et al. teaches the step of withdrawing the substrate from the first supercritical fluid into the second compressed gas atmosphere, instead of displacing the first supercritical fluid with the compressed gas atmosphere. It is the Examiner's position that the displacement of one surrounding fluid with one another versus moving the substrate itself from one surrounding fluid to another is not a patentable

variation. It would have been obvious for one having ordinary skill in the art to have displaced the fluid atmosphere of the first supercritical fluid with the compressed gas atmosphere in place of withdrawing the substrate from the supercritical fluid to the compressed gas atmosphere in the process of Carbonell et al. with the expectation of similar and successful results, in the absence of a showing of criticality, because both displacing atmospheres and moving the substrates are equivalent relative movements with respect to the substrate surface and would yield the same results."

Applicant respectfully disagrees. In the present invention, it is surprising that a supercritical fluid could be displaced by **continuing adding** the separate compressed gas (a feature not shown in the cited references) while maintaining sufficient separation between the supercritical fluid and the compressed gas and avoiding undue mixing between the two, to allow a coating component in the supercritical fluid to be deposited on the substrate. With respect to "equivalent relative movements" being provided, it is noted that an automobile passenger and an airplane passenger may experience equivalent relative movements with respect to their direction of travel, but that factor alone does not render one mode of transportation obvious in light of the other. Given the features missing in the cited art and the surprising result found in the claimed invention, it is respectfully submitted that claim 1, and claims 2-6 dependent thereon, are nonobvious over the cited reference, and that this rejection should be withdrawn.

It is respectfully submitted that this application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,



Kenneth D. Sibley
Registration No. 31,665

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer Number 20792